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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,411

12/29/2003

Paula M. Sosalla

19,682

7552

23556

7590

01/16/2007

KIMBERLY-CLARK WORLDWIDE, INC.

401 NORTH LAKE STREET

NEENAH, WI 54956

EXAMINER

HAND, MELANIE JO

ART UNIT

PAPER NUMBER

3761

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
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3 MONTHS

01/16/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/16/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Kimberly-Clark.Docket@kcc.com  
catherine.wolf@kcc.com

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/748,411	SOSALLA ET AL.	
	Examiner	Art Unit	
	Melanie J. Hand	3761	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

The declaration filed on October 20, 2006 under 37 CFR 1.131 is sufficient to overcome the Driskell et al reference.

### ***Response to Arguments***

Applicant's arguments, see Remarks, filed October 20, 2006, with respect to the rejection(s) of claim(s) 1-4, 6-9, 12, 18-21 and 14-24 under 35 U.S.C. 102 and claims 5,10,11 and 13 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a newly found prior art reference.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-9, 12 and 14-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Erdman (U.S. Patent Application Publication No. 2004/0064113).

With respect to **claim 1**: Erdman teaches an absorbent article 10 defining a longitudinal direction and a lateral direction, an interior article surface and an exterior article surface opposite said interior article surface, said article 10 comprising: an outercover 12 defining an interior outercover surface, and an exterior outercover surface opposite said interior outercover surface (¶0040); an absorbent body 16 disposed on said interior outercover surface (¶0040);

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and at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is an active graphic. (¶¶0037,0040)

With respect to **claim 2**: The active interior graphic is a fading graphic. (¶0037)

With respect to **claim 3**: The active interior graphic is an appearing graphic. (¶0037)

With respect to **claim 4**: Article 10 further comprises a bodyside liner 14 placed in superposed relationship with said interior outercover surface, wherein said absorbent body 16 is sandwiched between said outercover 12 and said bodyside liner 14, and wherein said interior article surface is provided at least in part by said bodyside liner 14. (¶0040)

With respect to **claim 5**: The bodyside liner 14 defines an interior liner surface and an exterior liner surface opposite said interior liner surface, and wherein said interior graphic is applied on said exterior liner surface. (¶0015)

With respect to **claim 6**: Article 10 further comprises an interior graphic layer 20 sandwiched between said absorbent body 16 and said bodyside liner 14, and wherein said interior graphic is applied on said graphic layer 20. (Fig. 2, ¶¶0015,0040)

With respect to **claim 7**: The interior graphic layer 20 is a surge layer. (¶0073)

With respect to **claim 8**: Article 10 further defines a front waist edge 204, a back waist edge 204, and an article length in said longitudinal direction. At least one interior graphic is positioned

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between the outercover 12 and core 16, thus said interior graphic is spaced from said front waist edge in said longitudinal direction by between 25% and 50% of said article length. (Fig. 2, ¶¶0014,0044)

With respect to **claim 9**: Article 10 further defines a front waist edge 204, a back waist edge 204, and an article length in said longitudinal direction. At least one interior graphic is positioned between the outercover 12 and core 16, thus said interior graphic is spaced from said front waist edge in said longitudinal direction by between 35% and 60% of said article length. (Fig. 2, ¶¶0014,0044)

With respect to **claim 12**: Article 10 further comprises a plurality of interior graphics. (¶0013)

With respect to **claim 14**: Article 10 further comprising at least one exterior graphic disposed on said exterior article surface. (Fig. 3b, ¶¶0013,0015,0037)

With respect to **claim 15**: The at least one exterior graphic comprises a plurality of exterior graphics, and wherein at least one of said plurality of exterior graphics is an active graphic. (Fig. 3b, ¶¶0013,0015,0037)

With respect to **claim 16**: The active exterior graphic is a fading graphic. (¶¶0013,0015,0037)

With respect to **claim 17**: The at least one exterior graphic defines an exterior graphic theme, and wherein said interior graphic is related to said exterior graphic theme. (¶0102)

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With respect to **claim 18**: Erdman teaches an absorbent article 10 defining a longitudinal direction and a lateral direction, an interior article surface and an exterior article surface opposite said interior article surface, said article comprising: an outercover 12; a bodyside liner 14 placed in superposed relationship with said outercover 12; an absorbent body 16 sandwiched between said outercover 12 and said bodyside liner 14, said outercover 12 disposed toward said exterior article surface and said bodyside liner 14 disposed toward said interior article surface; and at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is a fading graphic. (¶¶0037,0040)

With respect to **claim 19**: Erdman teaches an absorbent article 10 defining a longitudinal direction and a lateral direction, an interior article surface and an exterior article surface opposite said interior article surface, a first waist region 242, a second waist region 244, and a crotch region 222 connecting the first and second waist regions 242,244, said article 10 comprising: side panels extending from and connecting said first and second waist regions 242,244 in a pant configuration to form a waist opening and a pair of leg openings (¶¶0044,0053); an outercover 12 defining an interior outercover surface, and an exterior outercover surface opposite said interior outercover surface; an absorbent body 16 disposed on said interior outercover surface (Fig. 2); and at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is an active graphic. (¶0037)

With respect to **claim 20**: The active interior graphic is a fading graphic. (¶0037)

With respect to **claim 21**: Article 10 comprises a bodyside liner 14 placed in superposed relationship with said interior outercover surface, wherein said absorbent body 16 is sandwiched

between said outercover 12 and said bodyside liner 14, and wherein said interior article surface is provided at least in part by said bodyside liner 14. (Fig. 2, ¶0040)

With respect to **claim 22**: Bodyside liner 14 defines an interior liner surface and an exterior liner surface, and wherein said interior graphic is applied on said exterior liner surface. (¶0015)

With respect to **claim 23**: Article 10 further comprises an interior graphic layer 20 sandwiched between said absorbent body 16 and said bodyside liner 14, and wherein said interior graphic is applied on said graphic layer 20. (Fig. 2, ¶¶0015,0040)

With respect to **claim 24**: Erdman teaches article 10 defining an interior article surface and an exterior article surface opposite said interior article surface, said article 10 comprising: an outercover 12 defining an interior outercover surface, and an exterior outercover surface opposite said interior outercover surface; and at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is an active graphic. (¶0015)

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 10, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erdman ('113).

With respect to **claim 10**: The at least one interior graphic defining a total interior graphic area. Erdman does not teach that said total interior graphic area is at least 25 square cm. The total

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graphic area is a result effective variable because the graphics indicate the presence of urine, and thus more graphics would indicate a wider urine insult area. Applicant has not established sufficient criticality for such a total graphic area value thus it would be obvious to one of ordinary skill in the art to modify the at least one interior graphic taught by Edrman so as to have a total graphic area of at least 25 square cm. It has been held that where general conditions of claim are disclosed in prior art, it is not inventive to discover optimum or workable ranges by routine experimentation. See *In re Aller*, Lacey and Hall (105 USPQ 233, CCPA, 1955).

With respect to **claims 11,13**: The at least one interior graphic defines a total graphic area. Erdman does not teach that said total interior graphic area is at least 45 square cm. The total graphic area is a result effective variable because the graphics indicate the presence of urine, and thus more graphics would indicate a wider urine insult area. Applicant has not established sufficient criticality for such a total graphic area value thus it would be obvious to one of ordinary skill in the art to modify the at least one interior graphic taught by Edrman so as to have a total graphic area of at least 45 square cm. It has been held that where general conditions of claim are disclosed in prior art, it is not inventive to discover optimum or workable ranges by routine experimentation. See *In re Aller*, Lacey and Hall (105 USPQ 233, CCPA, 1955).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand  
Examiner  
Art Unit 3761

January 5, 2007

**TATYANA ZALUKAEVA**  
**SUPERVISORY PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Tatyana', written in a cursive style.